

SENATE BILL 2441

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2; Title 55, Chapter 10, Part 5 and Title 55, Chapter 8, Part 1, relative to the offenses of vehicular homicide and drag racing and the use of certain motor vehicle performance enhancers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-213, is amended by adding the following new subdivision to subsection (a):

(3) As the proximate result of conduct constituting the offense of drag racing as prohibited by title 55, chapter 10, part 5.

SECTION 2. Tennessee Code Annotated, Section 39-13-213, is further amended by deleting subsection (b) and substituting instead the following:

(b)

(1) Vehicular homicide under subsection (a)(1) is a Class C felony.

(2) Vehicular homicide under subsection (a)(2) or (a)(3) is a Class B felony.

SECTION 3. Tennessee Code Annotated, Section 55-10-502, is amended by designating the present language of the section as subsection (a) and by adding the following new subsections:

(b) Drag racing is a Class D felony if the offense results in the serious bodily injury of a participant, passenger, bystander or other person.

(c) Any motor vehicle used to commit the offense of drag racing or to flee after commission of the offense of drag racing is, upon conviction for such offense, subject to seizure and forfeiture as provided in title 40, chapter 33, part 1.

SECTION 4. Tennessee Code Annotated, Section 55-10-503, is amended by designating the present language of subsection (b) as subsection (b)(1) and by adding the following new subsection (b)(2):

(2) In addition to any other punishment provided by this section, upon conviction for a violation of § 55-10-502(b), the department shall permanently revoke the driver license of such person and such person shall not thereafter be entitled or permitted to drive or operate a motor vehicle in this state.

SECTION 5. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by adding the following new section:

§ 55-8-196.

(a)

(1) Except as provided in subsection (a)(2) of this section, it is an offense for a person to knowingly operate a motor vehicle that is equipped to supply the engine with nitrous oxide on a public street or highway.

(2) This section shall not prohibit:

(A) A person from operating a motor vehicle that is equipped to supply the engine with nitrous oxide if the system supplying nitrous oxide is made inoperative by:

(i) Disconnecting the line feeding nitrous oxide to the engine;

(ii) Removing the container or containers of nitrous oxide from the motor vehicle or motorcycle; or

(iii) Turning the tank to the "Off" position; or

(B) A person from operating a tow vehicle or a recreational vehicle that is equipped to supply the engine with nitrous oxide.

(b) As used in this section, “nitrous oxide” means a gas or liquid form of nitrous oxide that is or can be used to increase the speed or performance of a motor vehicle.

(c) A violation of this section is a Class D felony if operation of the motor vehicle while using nitrous oxide results in serious bodily injury to another.

SECTION 6. This act shall take effect July 1, 2006, the public welfare requiring it.